

RESOLUTION NO. 2009-100

A RESOLUTION OF THE LODI CITY COUNCIL ADJUSTING
WASTEWATER DISPOSAL SERVICE RATES

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WHEREAS, the Council of the City of Lodi finds as follows:

1. The City of Lodi provides wastewater disposal service to its citizens;
2. The City charges customers of this utility a charge to fund the on-going operation and maintenance of the wastewater disposal service;
3. The City Public Works Director and staff have prepared a plan outlining the cost of operating the wastewater disposal service;
4. The Wastewater Enterprise Fund is operating at a deficit and the existing rate structure no longer covers the cost of operating the utility;
5. The City Public Works Director has recommended increases to the current wastewater disposal rates;
6. The City Public Works Director also recommends that the revenue earmarks be eliminated to make revenue correspond with need and that the Engineering News Record (ENR) Index replace the Consumer Price Index (CPI) when determining annual cost adjustments;
7. The Council directed that notice of a hearing thereon be given to the property owners and wastewater disposal utility customers in the City, with such notice to include, among other matters, the information required to be included pursuant to California law;
8. Pursuant to California Constitution, Article XIII C and Government Code 53755, such notice has been mailed to those property owners and account holders, at least 45 days before the hearing, as evidenced by a Certificate of Mailing on file with the City Clerk;
9. The Council also directed that notice of a hearing thereon be given with such notice to include the information required to be included pursuant to Government Code Section 54354.5;
10. Such notice has been published once each week for two weeks, in accordance with Government Code Section 54354.5, in the Lodi News-Sentinel as evidenced by Proofs of Publication on file with the City Clerk;
11. On July 15, 2009, the City Council conducted said public hearing, at which time the City Council heard all objections and protests to the proposed increased rates;
12. Written protests against the proposed increased rates were not presented by a majority of the property owners and wastewater disposal utility customers; and

13. The proposed wastewater disposal service rates are not discriminatory or excessive, are sufficient under Government Code Section 54515, comply with the provisions or covenants of any outstanding revenue bonds of the City payable from the revenues of the enterprise, comply with the provisions of Title 5, Division 2, Chapter 6 of the Government Code, and are in compliance with all other applicable law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Levy of Charges. Pursuant to Sections 13.08.010, 13.12.240, and 13.16.110 of the Lodi Municipal Code, the increased wastewater disposal service rates as attached hereto as Exhibit A are hereby approved.

Section 3. Subsequent Adjustments. As provided by Government Code Section 53756, the rates shown in Exhibit A may be adjusted annually for a period of five years by resolution beginning July of 2010 through July of 2015, with Council approval following a public hearing, in an amount not to exceed the percentage change in the ENR Twenty Cities Annual Average Index or other index as approved by the City Council by resolution. The adjustment shall not be made if it causes rates to exceed the cost of service and Notice of the Adjustment shall be mailed to each account not less than 30 days before the effective date of the adjustment.

Section 4. Effective Date. This resolution shall take effect from and after the date of its passage.

Dated: July 15, 2009

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I hereby certify that Resolution No. 2009-100 was passed and adopted by the City Council of the City of Lodi in a regular meeting held July 15, 2009, by the following vote:

AYES: COUNCIL MEMBERS –Johnson, Katzakian, and Mayor Hansen

NOES: COUNCIL MEMBERS – Hitchcock and Mounce

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk

City of Lodi Wastewater Utility
Proposed Wastewater Rates

Exhibit A

Residential	Current Rates			Rates Effective 07/16/2009	Rates Effective 07/16/2010	Rates Effective 07/16/2011	Rates Effective 07/16/2012
	Base	infr.	Monthly Total	Monthly Total	Monthly Total	Monthly Total	Monthly Total
1 BR	\$11.84	\$4.81	\$16.65	\$20.81	\$24.97	\$27.47	\$28.84
2 BR	15.78	6.41	22.19	27.74	33.29	36.62	38.45
3 BR	19.73	8.01	27.74	34.68	41.61	45.78	48.06
4 BR	23.67	9.62	33.29	41.61	49.94	54.93	57.68
5 BR	27.62	11.22	38.84	48.55	58.26	64.09	67.29
6 BR	31.56	12.82	44.38	55.48	66.58	73.24	76.90
7 BR	35.51	14.42	49.93	62.42	74.90	82.40	86.51
Moderate Strength (annual per SSU)	\$266.28			\$332.88	399.48	439.44	461.40
High Strength User:							
Flow (per MG, annual basis)	2,247.10			2,808.88	3,370.66	3,707.73	3,893.12
BOD (per 1,000 lbs., annual basis)	370.83			463.54	556.25	611.88	642.47
SS (per 1,000 lb., annual basis)	231.86			289.83	347.80	382.58	401.71
Grease Inceptor & Septic Holding Tank Waste within City Limits (per 1,000 gal.)	196.35			245.44	294.53	323.98	340.18
Septic (only) Holding Tank Waste Outside City limits (per 1,000 gal.)	416.82			521.03	625.24	687.76	722.15
Disposal to Storm Drain System (per MG)	206.24			257.80	309.36	340.30	357.32
Disposal to industrial System:							
Flow (per MG, annual basis)	2,218.78			n/a rates adjusted annually per	n/a rates adjusted annually per	n/a rates adjusted annually per	n/a rates adjusted annually per
BOD (per 1,000 lbs., annual basis)	20.34			LMC \$ 13.12.210	LMC \$ 13.12.210	LMC \$ 13.12.210	LMC \$ 13.12.210
Winery Waste (per 1,000 gal.)	198.82			248.53	298.24	328.06	344.46